

GRENADA

IN THE COURT OF APPEAL

CIVIL APPEAL NO. 2A OF 2001

IN THE MATTER OF THE WEST INDIES ASSOCIATED STATES SUPREME COURT
(GRENADA) ACT CAP 336 OF THE LAWS OF GRENADA, 1990

AND

IN THE MATTER OF THE APPLICATION OF CAJETON ANTHONY KELVIN HOOD TO
BE ADMITTED TO PRACTICE AS A BARRISTER-AT-LAW OF THE SUPREME COURT
OF GRENADA AND THE WEST INDIES ASSOCIATED STATES

Before:

The Hon. Mr. Satrohan Singh

The Hon. Mr. Albert Redhead

The Hon. Mr. Joseph Archibald, Q.C.

Justice of Appeal

Justice of Appeal

Justice of Appeal (Ag.)

Appearances:

Mr. Reynold C. Benjamin for the appellant.

Mr. James Bristol as amicus.

2001: July 4

JUDGMENT

[1] **ARCHIBALD, J.A. (Ag.):** The applicant, a Grenada national, born 12th July 1953, was admitted 16th August 1999 to the Honourable Society of Lincoln's Inn in England, and was called to the Bar as a Barrister thereof on 12th October 2000, having completed the prescribed courses of study and training in the Bar Vocational Course 1999/00 as proved by the Course Record dated 14th July 2000 ("the UK Course Record").

[2] The application by Petition pursuant to section 77 of the West Indies Associated States Supreme Court (Grenada) Act, Cap. 336 of the Revised Laws of Grenada

1990 ("Cap. 336") satisfied all the documentary and other requirements of section 77 of Cap. 336; but the application was refused by the hearing of Judge, Alleyne, J., of the High Court, who agreed with objecting Counsel that the applicant must in addition be the holder of a Certificate of the Council of Legal Education from the University of the West Indies ("the UWI Certificate") pursuant to Articles 5 and 6 of the agreement establishing the Council of Legal Education mentioned in the Council of Legal Education Act 1972 ("Cap 71") of the Revised Laws of Grenada 1990.

[3] The UK Course Record is the equivalent of the UWI Certificate. The application included the UK Course Record but not the UWI Certificate.

[4] In refusing the application, the Judge stated in his judgment at paragraphs 14 and 21 as follows:

1. "[14] The West Indies Associated States Supreme Court (Grenada) Act, Cap. 336, and the Council of Legal Education Act, Cap. 71, both contained in the 1990 Revised Edition prepared under the Revision of the Laws Act 1989, thus appear, in respect to the issue of qualification and disqualification to be admitted to practise at the Bar, to be in conflict. The Court is required to resolve this conflict.
2. [21] The West Indies Associated States Supreme Court (Grenada) Act, Cap. 336, must be read conjointly with the Council of Legal Education Act, Cap. 71. Consequently the Petitioner does not meet the requirements for admission to practise at the Bar of Grenada and the Petition is accordingly refused."

[5] The application falls to be dealt with by the Court of Appeal pursuant to the second proviso to section 77 (1) of Cap. 336 which states as follows:

1. "Provided further that no refusal by a Judge of any such application shall be final, but any application so refused by such Judge shall, if the applicant shall so require by notice in writing to the Registrar, be laid before and dealt with by the Court of Appeal."

[6] The applicant's Counsel and the amicus advanced rival contentions for admission and refusal by the Court of Appeal, based substantially on their interpretive views as to how the Court of Appeal should resolve the statutory conflict mentioned in paragraph 14 of the judgment by the Judge.

[7] In this case the applicant has in my view satisfied the application requirements of section 77(2) of the re-enacted Cap. 336; but the objection to his admission is on the ground that he has not satisfied the provisions of the earlier law Cap. 71, which is in existence with Cap. 336.

[8] I have heard Counsel on both sides, have read the judgment, and have taken into account specifically the following things:

(a) Cap. 336 is the last of the relevant statutory provisions; it is unfettered; it is unqualified; and the whole question of the intention of Parliament as advocated by Mr. Bristol ought to be determined by looking at both Cap. 336 and Cap. 71 to know the intention of Parliament. I consider that the objection is not well founded when one looks at both Acts to find that intention.

(b) I have also looked at Articles 4, 5 and 6 of the agreement establishing the Council of Legal Education mentioned in Cap 71, particularly Article 5, and have considered that on a true interpretation of them, the objection is not well founded and cannot prevail.

(c) I consider that we sit here as a Court of Appeal pursuant to section 77 of Cap. 336, and not as mere Judges at common law as Mr. Benjamin submits.

[9] In the result, I consider and hold that the applicant's application is well made; that the objection should fail; and that the applicant should be admitted on his

application to practise as a Barrister in the State of Grenada after taking the requisite oath administered before the Court of Appeal.

Joseph Archibald, Q.C.
Justice of Appeal [Ag.]

I Concur

Satrohan Singh
Justice of Appeal

I Concur

Albert Redhead
Justice of Appeal